

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
CIVIL MINUTES**

Phoenix Division

CASE NO.: CV-03-02496-PCT-NVW      DATE: September 25, 2013

HON: NEIL V. WAKE

Caption: Grand Canyon West Ranch, LLC v. Sally Jewell, et al.

Deputy Clerk: Nicholas Sommers Crt Rptr/ECR: Laurie Adams

Plaintiff's counsel: Keith Hendricks, Louis Lopez, Jr., and Matthew Lensch

Defendants' counsel: Peter Lantka, Todd Lang, and John Gaudio

---

This is the time set for an evidentiary hearing (re: Docs. 177 and 186).

9:18 a.m. Counsel are present as stated above. Without objection, the Court grants the Defendant's Motion to Transfer (Doc. 196). Separate order to issue. Case status discussed. As discussed on the record, the parties are directed to submit a stipulation for the Court's review concerning cessation of use of the temporary road (i.e. new construction) by Monday, September 30, 2013. If the parties are unable to agree on something that is mutually beneficial to both sides, the Court's default position will be that the Government shall not resume use of the temporary road without first giving Plaintiff at least 60 days prior notice. Plaintiff's counsel presents opening statement. Defendants' counsel makes a brief statement. Plaintiff's counsel invokes the Rule of Exclusion of Witnesses. **Plaintiff's case:** Nigel Turner is sworn and examined. Exhibits 6, 46, 47, 49, 50, 51, 63, 89, 90, and 93 are admitted into evidence. 10:46 a.m. Recess

11:03 a.m. Court reconvenes. Direct examination of Nigel Turner continues. Exhibits 4, 96, and 97 are admitted into evidence. Cross examination begins. Exhibit 304 is admitted into evidence. Redirect examination begins. The witness is excused. Troy Peterson is sworn and examined. Exhibits 101, 102, and 103 are admitted into evidence. 11:59 a.m. Recess

1:17 p.m. Court reconvenes. Direct examination of Troy Peterson continues. Exhibits 34 and 43 are admitted into evidence. Cross examination begins. Redirect examination begins. The witness is excused. Plaintiff rests. **Defendants' case:** Scott Schmidgall is sworn and examined. Exhibits 307 and 317 are admitted into evidence. 2:45 p.m. Recess

3:03 p.m. Court reconvenes. Direct examination of Scott Schmidgall continues. Exhibit 313 is admitted into evidence. Cross examination begins. Exhibit 35 is admitted into evidence. Redirect examination begins. The witness is excused. Scheduling for remainder of hearing discussed. 3:59 p.m. Court stands in recess until 9:00 a.m. on 09/26/2013.

Time in Court: 9:18 a.m. to 3:59 p.m.  
Hearing Held: 4 hours and 48 minutes